(1) (3)

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT CHHATTISGARH AT BILASPUR (C.G.)

IN THE MATTER OF W.P. NO. 2128 /2001

Between

PETITIONER: -

Utkal Road Ways Pvt. Ltd., Registered and Incorporated under Indian Companies Act, 1956 having Branch Office at Mandir Hasaud, Raipur, Chhattisgarh.

P.R. No. 2097/01
Presented by Shri Roopnarayan
dated 4/10/01

Vs.

RESPONDENTS: -

1. **State of Chhattisgarh,**
   Through the Secretary,
   Department of Forests, Mantralaya,
   D.K.S. Bhawan, Raipur
   (Chhattisgarh).

2. Conservator of Forests (Appellate Authority) Jail Road, Raipur (Chhattisgarh).

3. Sub Divisional Officer (Forests) Mahasamund, Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No. 2128/ सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.03.2002

Heard Shri Kishore Bhaduri, learned counsel for the petitioner and Shri Sanjay K. Agrawal, learned Deputy Advocate General for the State / respondent.

What is challenged by the petitioner in this petition is the order of confiscation of the vehicle, a truck, seized by the Forest Department and the petitioner has also prayed for handing over the vehicle to the company in the same condition as it prevailed on 15.3.2001.

The order of confiscation of the vehicle was passed by the third respondent Sub-Divisional Officer (Forest), Mahasamund against which the petitioner filed an appeal before the second respondent Conservator of Forests, Raipur and the second respondent has confirmed the order of confiscation passed by the third respondent.

It is submitted that against the order passed by the third respondent, revision lies under Section 52-B of the Indian Forest Act, 1927. Instead of filing the revision before the concerned learned Sessions Judge, the petitioner has approached this Court.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No.2128/ सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the circumstances, I am of the opinion that the petition has to be disposed of with liberty to the petitioner to file a revision petition against the order passed by the second respondent confirming the order of confiscation passed by the third respondent. Accordingly, the petition is disposed of with liberty to the petitioner to file revision petition against the order passed by the second respondent confirming the order of confiscation passed by the third respondent, before the concerned Sessions Judge. If such a revision petition is filed by the petitioner, the Sessions Judge would dispose of the same without reference to the limitation. The petitioner is directed to file revision petition within fifteen days from the date of receipt of certified copy of this order. Parties are entitled for certified copy of this order. Sd/- Chief Justice	

Brajesh/Soma

[पीछे देखिये